

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRANDON LEWIS CAIN,

Plaintiff,

Case No. 1:19-cv-628

v.

HON. JANET T. NEFF

CARMEN PALMER, et al.,

Defendants.

**ORDER**

This is a prisoner civil rights action. Defendants filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 23). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 14, 2020, recommending that this Court deny the motion, adopt the foregoing findings of fact and conclusions of law as to Defendants' affirmative defense of failure to exhaust administrative remedies, and conclude that the grievance process was unavailable to Plaintiff. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 88) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 23) is DENIED.

**IT IS FURTHER ORDERED** that this Court adopts the findings of fact and conclusions of law as set forth in the Report and Recommendation concerning Defendants' affirmative defense

of failure to exhaust administrative remedies, and concludes that the grievance process was unavailable to Plaintiff.

Dated: September 9, 2020

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge